

ing, 1 Bland, 299. (c) From the judgment pronounced by the Chancellor, upon a caveat, there was no appeal to a higher Court

(c) COURSEY v. HEMSLEY.—At the Land Office in the State House at the City of Annapolis, Anno Domini, 1721.

Present the Honorable Philemon Lloyd, Esquire, his lordship's deputy secretary of this Province, and sole judge in the determination of all differences and disputes arising upon land affairs within the said Province.

A hearing was then moved for by Mr. James Heath, of counsel for Elizabeth Coursey of Chester River in Queen Ann's County, and a petition by him produced, on behalf of her son William Coursey, a minor and legatee of Col. William Coursey, late of Queen Ann's County aforesaid, Esquire, deceased. Complaining that a certain Vincent Hemsley of Queen Ann's County, upon the 22d of September, 1720, had obtained, out of his lordship's land office, a special warrant for the resurveying of two hundred and thirty acres of vacant cultivated land; which said warrant, as the petitioner afterwards understood, was executed upon the cultivation of a certain tract of land called Coursey upon Wye, heretofore, that is, upon the 12th of June, 1695, surveyed for Col. William Coursey, late of Queen Ann's County, deceased; and the said William, in his last will and testament, together with a greater part of the tract, being nine hundred and twenty acres in all, devised unto William Coursey, a minor as aforesaid; and that a certificate of the resurvey thereof had been already returned unto his Lordship's land office, in order to have his lordship's grant thereupon, according to the course of the office. She, therefore, prayed to be heard by her counsel against the passing of letters patent upon the resurvey aforesaid, according to a caveat heretofore by her lodged in the office for that purpose.

But the said Hemsley, by his letters to the above Philemon, alleged an unpreparedness to come to a hearing at that time, and prayed a continuance of the cause; wherefore it was thought convenient upon his petition to postpone it until the Provincial Court in October following. Whereupon James Heath, of counsel for the petitioner, moved on his client's behalf, that no further or other process should be granted unto Vincent Hemsley or any other person in relation to the said tract of land called Coursey upon Wye; but if any error or defect be found therein, other than that which was already moved by Vincent Hemsley aforesaid, that she might have the liberty in the pre-emption of his lordship's favor therein, which was likewise granted and ordered accordingly.

October Provincial Court being the appointed time for hearing of this cause, Vincent Hemsley did neither appear by himself nor his counsel; but sent a petitionary letter urging many great inconveniences, that he must necessarily labor under if he were obliged to come to a hearing at that time. Wherefore, in favor of justice, and to prevent any censures of deciding his cause unheard, a further time was granted him; and a hearing appointed to be on the 29th of January, 1721, at the dwelling-house of Philemon Lloyd, the Judge in land affairs aforesaid, as a place convenient unto both parties, and where it was supposed Mr. Hemsley could most conveniently attend.

At which appointed time, viz: the 29th of January, 1721, both parties appeared; and the complainant then moved, that the said Hemsley's special warrant, with the certificate of resurvey thereon, made and returned into his lordship's land office, for two hundred and thirty acres of cultivated land, part of Coursey upon Wye aforesaid, might be set aside and declared null and void; and that a minute thereof might be made in the margin of the record book, where the special warrant aforesaid is recorded. Seeing